

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Agere Systems Inc.Application No./Patent No.: 10/748,378 Filed/Issue Date: December 30, 2003Entitled: Method and Apparatus for Guaranteeing Data Transfer Rates and Delays in Data Packet Networks Using Generalized Discrete Data Transfer Rate Approach
Agere Systems Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventor To: Lucent Technologies Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 9763, Frame 0304, or for which a copy thereof is attached.
2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Wendy W. Koba
SignatureWendy W. Koba
Printed or Typed NameOutside Counsel
Title2/13/2006
Date610-346-7112
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EXECUTION COPY

PATENT ASSIGNMENT

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS GUARDIAN CORP.

Dated as of January 30, 2001

PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents, and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).


ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Herrmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By: 
Daniel P. McCurdy
President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

By: 
Fred M. Romano
President

ACKNOWLEDGMENTS

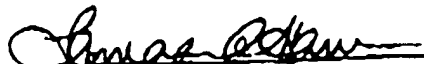
STATE OF NEW JERSEY)

: ss:

COUNTY OF SOMERSET)

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and
- b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name TAMORA ANNE HANNA
Notary Public Notary Public of New Jersey
My Commission Expires Registered in Hunterdon County
[Notarial Seal] My Commission Expires March 25, 2002

STATE OF FLORIDA)

: ss:

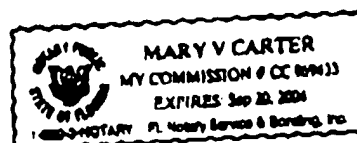
COUNTY OF ORANGE)

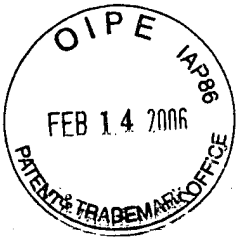
I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
- b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name
Notary Public
My Commission Expires:
[Notarial Seal]





CERTIFICATE OF OWNERSHIP AND MERGER

OF

**Agere Systems Guardian Corp.
(a Delaware corporation)**

INTO

**Agere Systems Inc.
(a Delaware corporation)**

**UNDER SECTION 253 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), DOES HEREBY CERTIFY:

FIRST: The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

SECOND: On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

RESOLVED that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

THIRD: That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

AGERE SYSTEMS INC.

By Paul Bento
Paul Bento, Vice President

Delaware

PAGE 1

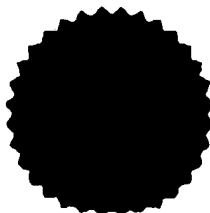
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION,
WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3268412 8100M

020545223

AUTHENTICATION: 1959517

DATE: 08-29-02



Case Name	Filing Date	Issue Date	Agent No.	Serial No.
Chettur 16-150-3	2/18/2000			60/182886
Chettur 2-1-3	7/23/1998			
Chettur 4-4-66-1-1	8/23/1999		08/121218	09/378858
Chettur 5-34-6-33-1-66	8/11/1999			09/372271
Chettur 6-10-63-84-10	7/30/1999			09/384787
Chettur 8-6-66-3-2	8/23/1999			09/379055
Cheung 1-2-1-1-33-2	10/11/1999			60/156874
Cheung 6	5/24/1999			09/317430
Cheung 7-1	4/28/2000			09/560935
Chew 7-11-5-49-8	3/20/2000			09/528753
Chin 1-7-3	8/17/1993		08/079310	
Chittipeddi 22	11/30/1994		08/347527	
Chittipeddi 24-6	10/28/1994		08/328808	
Chittipeddi 30-9	12/22/1995	6/20/2000	6078035	
Chittipeddi 34-10-10	1/18/1998		08/587081	
Chittipeddi 42-19	4/10/1997		08/889834	
Chittipeddi 47-8	8/28/1998	6/27/2000	6080825	
Chittipeddi 48-36	8/28/1998		09/140270	
Chittipeddi 49-9	8/28/1998		09/140276	
Chittipeddi 50-10	9/28/1998	7/11/2000	09/182247	6087732
Chittipeddi 51-10	4/22/1999			09/288068
Chittipeddi 54-44	1/23/1999			09/238408
Chittipeddi 55-23-14	4/8/1999			09/288746
Chittipeddi 56-16	2/28/1999			09/259001
Chittipeddi 57-11	5/5/1999			09/306788
Chittipeddi 59-108	12/20/1999			09/467253
Chittipeddi 60-26-15	12/18/1999			09/465089
Chittipeddi 61-113	8/30/1999			09/386085
Chittipeddi 62-114	8/30/1999			09/385165
Chittipeddi 63	11/18/1999			09/442688
Chittipeddi 66-27-18	12/18/1999			09/465075
Chittipeddi 67-27-19	1/8/2000			09/479288
Chittipeddi 69-130-146	1/21/2000			09/488810
Chittipeddi 70-13	2/15/2000			09/503814
Chittipeddi 71-53-154	4/4/2000			09/542783
Chittipeddi 72-20-3	6/2/2000			09/586384
Chittipeddi 73-26-155	4/25/2000			09/557538
Chittipeddi 75-11	7/7/2000			09/611907
Chittipeddi 78-17	7/17/2000			09/617687
Chittipeddi 79	8/16/2000			09/586382
Chittipeddi 80	8/16/2000			09/595642
Chittipeddi 81-134-180	8/29/2000			09/606833
Chittipeddi 82	8/11/2000		09/636447	
Chittipeddi 83-28-19	8/31/2000		09/652671	
Chiusai 10-3	2/9/1999			09/247779
Chiusai 11-4	2/9/1999			09/247742
Chiusai 12-1	5/14/1999			09/312253
Chiusai 13-2	5/14/1999			09/312288
Chiusai 14-4-1	11/6/1998			09/187141
Chiusai 15-5	11/3/1999			09/432976
Chiusai 16-5-2	11/4/1999			09/434031
Chiusai 17-6-3	3/19/1999			09/273017
Chiusai 18-6-3	6/2/2000			09/587149
Chiusai 19-7	6/22/2000			09/599250
Chiusai 20-8	6/2/2000			60/208755
Chiusai 9-2-15	10/30/1998			09/182884
Chlipala 6-14-18-4	5/30/2000			09/583115
Chodnekar 1-24-10-8-4-10	9/29/1999			09/407857
Chodnekar 2-9	6/23/2000			09/602556
Choi 1	9/10/1998		09/150529	